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| ANTHONY BROUSSARD, |) | No. C 08-02838 JW (PR) |
| Petitioner, |) | |
| |) | ORDER OF TRANSFER |
| vs. |) | |
| |) | |
| M.C. KRAMER, Warden, |) | |
| Respondent. |) | |
| |) | (Docket Nos. 4 & 5) |
| |) | |

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. See id. The petition indicates that petitioner was convicted in Santa Clara

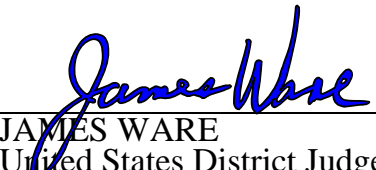
1 County, which lies within the venue of this district, and that he is confined in
2 Folsom (Sacramento County), which lies within the venue of the Eastern District of
3 California. See 28 U.S.C. 84(b).

4 Since the petition is directed to the manner in which a sentence is being
5 executed, the district of confinement is the preferable forum. See Dunne v. Henman,
6 875 F.2d 244, 249 (9th Cir. 1989) (“The proper forum to challenge the execution of
7 a sentence is the district where the prisoner is confined.”); see also Habeas L.R.
8 2254-3(b) (providing for transfer of venue to district of confinement “if the petition
9 is challenging the manner in which the sentence is being executed”). Because
10 petitioner is confined in the Eastern District, the petition will be transferred to that
11 district.

12 Accordingly, the above-titled action is hereby TRANSFERRED to the United
13 States District Court for the Eastern District of California. See 28 U.S.C. §§
14 1404(a), 2241(d); Habeas L.R. 2254-3. In light of this transfer, the Court will defer
15 to the Eastern District with respect to petitioner’s motion for leave to file exhibits
16 (Docket No. 4) and motion for appointment of counsel (Docket No. 5).

17 The clerk shall transfer this matter and terminate any pending motions.

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19 DATED: November 24, 2008

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21 JAMES WARE
22 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY BROUSSARD,

Petitioner,

v.

M.C. KRAMER, et al.,

Respondent.

Case Number: CV08-02838 JW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/25/2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Broussard C-56988
Folsom State Prison
P. O. Box 950
Folsom, CA 95763

Dated: 11/25/2008

/s/ Richard W. Wieking, Clerk
By: Elizabeth Garcia, Deputy Clerk